

THE LAW FIRM OF
JAMES R. LAMBERT

1491 RICHMOND ROAD
STATEN ISLAND, NEW YORK 10304
TEL. (718) 983-5050
FAX. (718) 983-5088

JAMES R. LAMBERT, ESQ. *+

OF COUNSEL
TIMOTHY M. O'DONOVAN, ESQ.*+
ANDREW J. CALCAGNO, ESQ.*+
MICHELLE LAMBERT, ESQ.+

*ADMITTED IN NEW YORK
+ADMITTED IN NEW JERSEY

NEW JERSEY OFFICE
213 SOUTH AVENUE, EAST
CRANFORD, NJ 07016
(732) 414-2561

BY APPOINTMENT ONLY

January 25, 2012

Via ECF

Honorable Steven M. Gold
United States Chief Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Patrick Alford, et al v. The City of New York.
Docket Number: CV 11-1583

Rodriguez v. The City of New York
Docket Number: CV 10 -4661

Dear Judge Gold:

This office represents plaintiffs, Patrick Alford, Sr. and P.A., in the above captioned matter.

I write to Your Honor in response to the discovery issues raised in the letters, dated January 20th, 2012, of Suzanne Halbardier, Esq., attorney for The City of New York, and Charles O'Bryan, Esq., attorney for St. Vincent's.

Contrary to what is set forth in counsels' letters, there were no pages missing from the copy of the 50h transcript which we produced as part of our discovery response. While there were two blank pages, (Bates Stamp numbers PAJR 00000182 and PAJR 00000183), even a cursory review of the document would reveal that the entire transcript was produced. The pages of the 50h transcript are sequentially numbered. The document immediately preceding the first of the two blank pages is page "6" of the 50h transcript, and the document immediately following the second of the two blank pages is page "7" of the 50h transcript. Apparently, two blank pages

Hon. Steven M. Gold
January 25, 2012
Page 2

found their way into the copy of the 50h transcript which was reproduced. Had defense counsel raised this issue during our telephonic conference call regarding discovery on January 19th, or reviewed the document itself before stating that it was incomplete, the issue would have been quickly resolved without the need to involve the Court.

Moreover, inasmuch as the 50h hearing was conducted by the City, through their attorneys, it would seem that they would already be in possession of a copy of that transcript.

I have also reviewed our discovery responses regarding the defendants claim that we have asserted a privilege, an issue which was also not raised during our telephonic conference call on January 19th. I could find no response which fails to answer a demand on the basis of the assertion of a privilege, as defendants claim. If defendants would specify the particular response to which they refer in that regard I would be happy to review same and supplement the response.

Lastly, given the present condition of my client, he is not able to verify the discovery responses at this point in time. Although it would seem somewhat opportunistic for the defendants to raise this issue now, it does present a problem and we would accept any direction Your Honor could provide in that regard.

Respectfully,

James R. Lambert

James R. Lambert

JRL:lmr
Alford, Patrick/letter to Magistrate Steven Gold 1.25.12
cc: All Counsel via ECF